

29 MAY 1996

PART 8

ADDITIONAL REQUIREMENTS FOR CERTAIN
SERVICEMEMBERS OF RESERVE COMPONENTS

A. Servicemembers of Reserve Components not on Active Duty

1. If proceedings under this part have been initiated against a servicemember of a reserve component not on active duty, the case may be processed in the absence of the servicemember in the following circumstances:

- a. At the request of the servicemember;
- b. If the servicemember does not respond to the notice of proceedings on or before the suspense date provided in the notice; or
- c. The servicemember fails to appear at a hearing as provided in subsection C1m of part 4.

2. The notice shall contain the matter set forth in subsections B1 or C1 of part 4, as appropriate.

3. If the action involves a transfer to the IRR under circumstances in which the procedures in this enclosure are applicable, the servicemember will be notified that the character of service upon transfer to the IRR also will constitute the character of service upon discharge at the completion of the naval service obligation unless the following conditions are met:

- a. The servicemember takes action to affiliate with a drilling unit of the Selected Reserve, and
- b. The servicemember satisfactorily participates as a drilling member of the Selected Reserve for a period of time, which, when added to any prior satisfactory service during this period of obligated service, equals the period of obligated service.

B. Transfer to the IRR

1. Upon transfer to the IRR, the servicemember will be notified of the following:

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a. The character of service upon transfer from active duty or the Selected Reserve to the IRR, and that the character of service upon completion of the naval service obligation in the IRR will be the same unless the conditions specified in subsection A3 are met.

b. The date upon which the military service obligation will expire.

c. The date by which the servicemember must submit evidence of satisfactory completion of the specified conditions set forth in subsection A3.

C. If the servicemember submits evidence of completion of the specified conditions set forth in subsection A3, but the separation authority proposes to issue a discharge other than an Honorable Discharge, the Notification Procedure shall be used. An Administrative Board is not required at this point notwithstanding the member's years of service.

D. If the servicemember does not submit such information on or before the date specified in the notice, no further proceedings are required. The character of discharge at the completion of the naval service obligation shall be the same as the character of service upon transfer from the Selected Reserve to the IRR.

E. The following requirements apply to the notices required by subsections A and B of this part.

1. Reasonable effort should be made to furnish copies of the notice to the servicemember through personal contact by a representative of the command. In such a case, a written acknowledgment of the notice shall be obtained.

2. If the servicemember cannot be contacted or refuses to acknowledge receipt of the notice, the notice shall be sent by registered or certified mail, return receipt requested (or by an equivalent form of notice if such service by U.S. Mail is not available for delivery at an address outside the United States) to the most recent address furnished by the servicemember as an address for receipt or forwarding of official mail. The individual who mails the notification shall prepare a Sworn Affidavit of Service by Mail (see subsection F), which will be inserted in the servicemember's personnel file together with PS 3800 and PS 3811.

F. Sworn Affidavit of Service by Mail

State of _____
County of _____

I, _____ (1) _____, being duly sworn,
declare that I am the _____ (2) _____ of
_____ (3) _____ and on the _____ day of _____ 19____, I
mailed the original notice, a true copy of which is attached
hereto, by Certified Mail (return receipt requested) (or by an
equivalent form of Notice if such service by U.S. Mail is not
available outside the United States) to _____ (4) _____,
that being the last known address given to _____ (5) _____
as the one at which official mail would be received by or
forwarded to the member, by depositing the same in an official
depository of the U.S. Postal Service at _____ (6) _____
in a securely wrapped and sealed U.S. Government official postal
envelope with a PS 3811, Domestic Return Receipt, attached. A
PS 3800, Receipt for Certified Mail, attesting to this action is
attached to this affidavit.

signature and rank of individual
mailing notice

Sworn and subscribed before me this _____ day of _____ 19____.

signature and rank of officer
administering oath

Blank	Enter
1	Name of individual who mails the notice
2	Job title (e.g., personnel officer, legalman, etc...)
3	Unit name (e.g., USS MERRILL, 1st Marine Div, etc...)
4	Full name and rank of respondent and complete mailing address
5	Unit name (e.g., USS MERRILL, 1st Marine Div, etc...)
6	Location of post office where mailed